United Nations A/53/23 (Part VII)

General Assembly

Distr.: General
17 August 1998

Original: English

Fifty-third session
Item 18 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

(covering its work during 1998)

Rapporteur: Mr. Fayssal **Mekdad** (Syrian Arab Republic)

Chapter XI

Tokelau

Contents

		Paragraphs	Page
A.	Consideration by the Special Committee	1–8	2
B.	Recommendation of the Special Committee	9	2

* A/53/150.

** The present document contains chapter XI of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/53/23 (Part I). Other chapters of the report will be issued under the symbol A/53/23 (Parts II-VI and VIII-IX). The complete report will be issued subsequently as *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23).

98-24416 (E) 240998

A. Consideration by the Special Committee

1. At its 1484th meeting, on 6 February 1997, the Special Committee decided, *inter alia*, to take up the question of Tokelau as a separate item and to consider it at its plenary meetings (see A/AC.109/L.1871).

2. The Special Committee considered the question of Tokelau as a separate item at its 1494th and 1495th meetings, on 8 and 10 July 1998, respectively.

3. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (see A/AC.109/2116).

4. At the 1494th meeting, on 8 July 1998, with the consent of the Special Committee, Ulu-o-Tokelau made a statement (see A/AC.109/SR.1494). Statements were also made by the representatives of Papua New Guinea and Antigua and Barbuda (see A/AC.109/SR.1494).

5. At the same meeting, the representative of New Zealand, the administering Power, made a statement (see A/AC.109/SR.1494).

6. At the 1495th meeting, on 10 July 1998, the representative of Papua New Guinea introduced draft resolution A/AC.109/L.1875/Rev.1.

7. At the same meeting, following a statement made by the representative of the Syrian Arab Republic, the Special Committee adopted draft resolution A/AC.109/L.1875/Rev.1 without a vote (A/AC.109/2124).

8. At the same meeting, the representative of New Zealand, the administering Power, made a statement (see A/AC.109/SR.1495).

B. Recommendation of the Special Committee

9. In accordance with decisions taken at its 1484th and 1495th meetings, on 6 February and 10 July 1998, respectively, the Special Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Tokelau,[1]

Recalling the solemn declaration on the future status of Tokelau, delivered by the Ulu-o-Tokelau (the highest authority on Tokelau) on 30 July 1994, that an act of self-determination in Tokelau is now under active consideration, together with the Constitution of a self-governing Tokelau, and that the present preference of Tokelau is for a status of free association with New Zealand,

Recalling also its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, Assembly resolution 52/77 of 10 December 1997,

Recalling further the emphasis placed in the solemn declaration on the terms of Tokelau's intended free association relationship with New Zealand, including the expectation that the form of help which Tokelau could continue to expect from New Zealand in promoting the well-being of its people, besides its external interests, would be clearly established in the framework of that relationship,

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme and the International Telecommunication Union,

Recalling the dispatch in 1994 of a United Nations visiting mission to Tokelau,

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories,

Noting also that, as a case study pointing to successful decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Also notes* Tokelau's desire to move at its own pace towards an act of self-determination;

3. *Commends* Tokelau's ongoing work in charting a distinctive constitutional course, reflecting its unique traditions and environment;

4. *Also commends* Tokelau for current initiatives and endeavours, based on wide consultation with its people, to construct a true "house of Tokelau", acknowledging the role of the village as the foundation of Tokelau, as well as the need to continue the process of strengthening the basis of national self-government;

5. *Acknowledges* the attention being given to broader matters of governance, including Tokelau's efforts to establish clear local channels of responsibility and accountability in national and village government;

6. *Notes* the desire of Tokelau, in consultation with the Government of New Zealand, to take over responsibility for the Tokelau Public Service and the willingness of the New Zealand Government to make the necessary legislative changes, reflecting its already well-advanced policy of devolving that part of government which deals with the interests of all of Tokelau;

7. *Acknowledges* Tokelau's need for reassurance, given that local resources cannot adequately cover the material side of self-determination, and the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

8. *Welcomes* the assurances of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

9. *Invites* the administering Power and United Nations agencies to continue their assistance to the social and economic development of Tokelau;

10. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine this question and to report thereon to the General Assembly at its fifty-fourth session.

Notes

[1] The present chapter.

United Nations A/53/23 (Part VIII)

General Assembly

Distr.: General
27 August 1998

Original: English

Fifty-third session
Item 18 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

(covering its work during 1998)

Rapporteur: Mr. Fayssal **Mekdad** (Syrian Arab Republic)

Chapter XII

Guam

Contents

		Paragraphs	Page
A.	Consideration by the Special Committee	1–8	2
B.	Recommendation of the Special Committee	9	2

* A/53/150.

** The present document contains chapter XII of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/53/23 (Part I). Other chapters of the report will be issued under the symbol A/53/23 (Parts II-VII and IX). The complete report will be issued subsequently as *Official Records of the General Assembly, Fifty-third Session, Supplement No. 23* (A/53/23).

98-25872 (E) 280998

A. Consideration by the Special Committee

1. At its 1484th meeting, on 6 February 1998, the Special Committee decided, *inter alia*, to take up the question of Guam as a separate item and to consider it at its plenary meetings (see (A/AC.109/L.1871).

2. The Special Committee considered the question of Guam as a separate item at its 1492nd, 1493rd, 1496th and 1499th meetings, on 6, 7 and 13 July and 11 August 1998.

3. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (see A/AC.109/2113).

4. At the 1493rd meeting, on 7 July 1998, with the consent of the Special Committee, Mr. Ronald Rivera, on behalf of the Guam Commission on Decolonization, made a statement (see A/AC.109/SR.1493).

5. At the same meeting, in accordance with a decision taken at the 1492nd meeting, Mr. Rufo Lujan, on behalf of the Organization of People for Indigenous Rights, made a statement (see A/AC.109/SR.1493).

6. At the 1499th meeting, on 11 August 1998, the Acting Chairman drew the attention of the members to the draft resolution contained in document A/AC.109/L.1883.

7. At the same meeting, the representative of Papua New Guinea introduced draft resolution A/AC.109/L.1883 and, in the course of his statement, informed the Special Committee that Fiji had become an additional co-sponsor to the draft resolution.

8. At the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1883 without a vote (A/AC.109/2129).

B. Recommendation of the Special Committee

9. The text of the resolution (A/AC.109/2129), adopted by the Special Committee at its 1499th meeting, on 11 August 1998, appears below in the form of a recommendation of the Special Committee to the General Assembly:

Question of Guam

The General Assembly,

Having considered the question of Guam,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the question of Guam,[1]

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all resolutions and decisions of the United Nations relating to Non-Self-Governing Territories, in particular, General Assembly resolution 52/77 of 10 December 1997,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware of the continued negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act and on the future status of the Territory, with particular emphasis on the question of the evolution of the relationship between the United States of America and Guam,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Taking note of the proposed closing and realigning of four United States Navy installations on Guam and the request for the establishment of a transition period to develop some of the closed facilities as commercial enterprises,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[2]

Noting with interest the statements made and the information on the political and economic situation in Guam provided by the representatives of the Territory to the Pacific regional seminar, held at Nadi, Fiji, from 16 to 18 June 1998,

1. *Calls upon* the administering Power to cooperate with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to facilitate Guam's decolonization and to keep the Secretary-General informed of the progress to that end;

2. *Also calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as endorsed by the people of Guam, encourages the administering Power and the territorial Government of Guam to continue the negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

3. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

4. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the people of the Territory;

5. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the immigration issue;

6. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises by the Chamorro people of Guam;

7. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

8. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of Guam and to report thereon to the General Assembly at its fifty-fourth session.

Notes

[1] The present chapter

[2] See A/AC.109/2058, para. 33 (20)

United Nations A/53/23 (Part IX)

General Assembly

Distr.: General
17 August 1998

Original: English

Fifty-third session
Items 18 and 49 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of the Falkland Islands (Malvinas)

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

(covering its work during 1998)

Rapporteur: Mr. Fayssal **Mekdad** (Syrian Arab Republic)

Chapter XIII

Falkland Islands (Malvinas)

Contents

		Paragraphs	Page
A.	Consideration by the Special Committee	1–13	2
B.	Decision of the Special Committee	14	3

* A/53/150.

** The present document contains chapter XIII of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/53/23 (Part I). Other chapters of the report will be issued under the symbol A/53/23 (Parts II-VIII). The complete report will be issued subsequently as *Official Records of the General Assembly, Fifty-third session, Supplement No. 23* (A/53/23).

98-24371 (E) 240998

A. Consideration by the Special Committee

1. At its 1484th meeting, on 6 February 1998, the Special Committee decided, *inter alia*, to take up the question of the Falkland Islands (Malvinas) as a separate item and to consider it at its plenary meetings (see A/AC.109/L.1871). The Special Committee considered the question at its 1492nd meeting, on 6 July 1998.

2. In its consideration of the question, the Special Committee took into account General Assembly decision 52/409 of 10 November 1997, as well as other relevant resolutions and decisions.

3. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2105).

4. At its 1487th meeting, on 29 June 1998 the Special Committee granted requests for hearing to Mrs. Norma Edwards and Mrs. Sharon Halford of the Legislative Council of the Falkland Islands (Malvinas), as well as to Ms. Maria Angelica Vernet, Mr. Enrique Pinedo and Mr. Alejandro Betts, who made statements at the 1492nd meeting, on 6 July 1998 (see A/AC.109/SR.1492).

5. At the 1492nd meeting, the Acting Chairman informed the Special Committee that the delegations of Argentina, Brazil and Paraguay had requested to participate in the Committee's consideration of the item. The Committee decided to accede to the requests.

6. At the same meeting, the representative of Chile introduced, on behalf of Bolivia, Cuba, Papua New Guinea and Venezuela, a draft resolution on the question (A/AC.109/L.1874).

7. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina made a statement (see A/AC.109/SR.1492).

8. At the same meeting, the representative of Brazil, on behalf of the States members of the Southern Cone Common Market (MERCOSUR) (Argentina, Brazil, Paraguay and Uruguay) and of Bolivia and Chile, made a statement (see A/AC.109/SR.1492).

9. At the same meeting, following statements by the representatives of Fiji, Venezuela, Cuba, Bolivia, China and the United Republic of Tanzania (see A/AC.109/SR.1492), the Special Committee adopted draft resolution A/AC.109/L.1874 without a vote (A/AC.109/2122).

10. At the same meeting, the representative of Sierra Leone made statement in explanation of position (see A/AC.109/SR.1492).

11. At the same meeting, the representative of Grenada made a statement (see A/AC.109/SR.1492).

12. In July 1998, the text of the resolution (A/AC.109/2122) was transmitted to the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of Argentina to the United Nations for the attention of their Governments.

13. The delegation of the United Kingdom, the administering Power concerned, did not participate in the Special Committee's consideration of the item.[1]

B. Decision of the Special Committee

14. The text of the resolution (A/AC.109/2122) adopted by the Special Committee at its 1492nd meeting, on 6 July 1998, to which reference is made in paragraph 9, is reproduced below:

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995, A/AC.109/2062 of 22 July 1996 and A/AC.109/2096 of 16 June 1997 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in the resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. *Reiterates* that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland;

2. *Takes note* of the views expressed by the Minister for Foreign Affairs, International Trade and Worship of Argentina on the occasion of the fifty-second session of the General Assembly;

3. *Regrets* that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects of the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. *Requests* the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. *Reiterates its firm support* for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. *Decides* to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

Notes

[1] See *Official Records of the General Assembly, Forty-first Session, Supplement No. 23* (A/41/23), chap. I, paras. 76 and 77.